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J.W.

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/255,256 02/22/99 TATSUTA S 960716D/LH

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LM31/1004

EXAMINER

FRISHAUF HOLTZ GOODMAN  
LANGER & CHICK  
767 THIRD AVENUE  
25TH FLOOR  
NEW YORK NY 10017-2023

ROGERS, S

ART UNIT

PAPER NUMBER

2724

DATE MAILED:

10/04/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

09/255,256

Applicant(s)

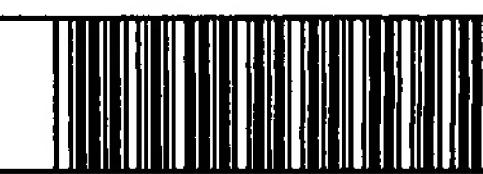
Tatsuta

Examiner

Scott Rogers

Group Art Unit

2724



Responsive to communication(s) filed on \_\_\_\_\_.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 21-32 and 36-43 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) \_\_\_\_\_ is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims 21-32 and 36-43 are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on Feb 22, 1999 is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) 08/764,136.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Election/Restriction***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 21-28 and 36-39 are drawn to an information reproducing system characterized by a region dividing means.
- II. Claims 29-32 are drawn to an information reproducing system characterized by means to replace a minimum value of one of the previous fields.
- III. Claims 40-41 are drawn to an information recording apparatus characterized by at least two types of reference dots having at least different areas of shapes.
- IV. Claim 42-43 are drawn to an information recording apparatus characterized by a density selection/adjustment means.

Inventions I-III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if at least one subcombination is separately usable. In the instant case, each invention has separate utility such as operating either independently or in combination with other subcombinations according the claimed limitations, without requiring the limitations which uniquely characterize the other invention(s), as indicated above. See M.P.E.P. § 806.05(d).

Because these inventions are distinct for the reasons given above, requiring separate consideration and search, restriction for examination purposes as indicated is proper.

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Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other inventions.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this application should be directed to **Scott Rogers** at **(703) 305-4726** or Internet e-mail address **scott.rogers@uspto.gov**. The group receptionist telephone number is **(703) 305-3900**.

*Scott A. Rogers*  
SCOTT A. ROGERS  
PRIMARY EXAMINER  
ART UNIT 2724

Sept. 30, 1999